

REMARKS

The present Amendment is in response to the Office Action having a mailing date January 14, 2004. Claims 1-38 are pending in the present Application. Applicant has amended claims 1, 7, 20, and 26. Consequently, claims 1-38 remain pending in the present Application.

Applicant has amended claims 1, 7, 20, 26, and 38 to more clearly recite that the information in the image file that alter the default(s) are provided separately from the communication which sets the defaults. Support for the amendment can be found in the specification, page 7, lines 5-15; page 8, lines 4 and 21-23; and page 11, lines 21-23. Applicant also respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-38 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,459,511 (Haneda). The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 5,963,916 (Kaplan). The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of U.S. Patent No. 6,324,545 (Morag).

In the above-identified Office Action, the Examiner rejected claims 1, 5-20, and 24-38 under 35 U.S.C. § 102 as being anticipated by Haneda.

Applicant respectfully traverses the Examiner's rejection. Claims 1, 7 and 38 and claims 20 and 26 recite methods and systems, respectively, for providing an album to a user. The method recited in claim 1 includes the steps of allowing the user to set defaults for the album and receiving images and information, if any, from the user. The information can alter one or more of the defaults. Claim 1 also recites that the receipt of such information includes a tag stored in the image file(s) and that the tag is provided in a communication that is separate from the setting of the defaults. Thus, the tags which alter the defaults are stored in the image file and provided by the

user in a communication that is separate from the setting of the defaults. Claim 20 recites an analogous system that includes a storage subsystem and a server. Claim 20 also recites that the information that can alter the defaults includes a tag stored in image file(s) for a first portion of the plurality of images, that the tag is for altering the at least one default for the first portion of the plurality of images, and that the defaults are allowed to be set in a communication that is separate from the communication which provides the image file(s) containing the tag(s). Similarly, claims 7, 26, and 38 recite that the default-altering information is in an image file and is provided in a separate communication from communication that sets the defaults.

Thus, using the methods and system recited in claims 1, 7, 20, 26, and 38, a user is allowed to purchase and set the defaults for the album. Examples of the defaults that might be set by the user include the layout of (preferably) the entire the album (numbers of images per page) or the groupings of certain types of images. Specification, page 7, lines 5-6, and page 7, line 19-page 8, line 3. Later, the user can individually alter the defaults. Specification, page 8, lines 8-10. At least some of these defaults can be altered using information in an image file. For example, the user might desire a particular image to occupy an entire page. Alternatively, the user might desire a particular image to be grouped in a different manner, or excluded from a group to which the image would otherwise correspond. Specification, page 8, line 16-page 9, line 2. Consequently, the user's ability to easily set up an album using defaults, then further customize the album using information for individual images and stored in individual image files, is facilitated. Specification, page 11, lines 14-16.

The cited portions of Haneda fail to teach or suggest the methods and systems in claims 1, 7, 20, 26, and 38. In particular, the cited portions of Haneda fails to teach or suggest a method or

system in which information that alters user-set defaults is provided by the user in the form of tags stored in the image file and in a communication separate from setting of the defaults.

The user of Haneda does not provide in the image file information (e.g. tags) that may alter defaults through a communication separate from the setting of the defaults. Haneda describes a system in which a user provides film to a “laboratory” for processing, including formation of digital images. Haneda, col. 3, lines 10-30 and col. 19, lines 32-39. The information cited by the Examiner as tags is part of special photographic film that may be used. Haneda, col. 23, lines 32-33 (describing the cited Fig. 24); col. 25, lines 48-52; and col. 28, lines 18-21. Thus, the “tags” which the Examiner has indicated correspond to the recited tags are part of photographic film, not part of an image file. This information in the special photographic film is read by the laboratory. Once the laboratory has read this information from the special film, the information is stored in the image file by the laboratory. Haneda, col. 28, lines 18-21. Consequently, although information is stored in the image file, the information is stored by the lab. The user of Haneda does not provide the information in an image file in order to alter previously set defaults. Moreover, given that the information stored in the image file is taken from the photographic film initially provided by the user, this information is apparently provided by the user at the same time as the defaults are set. Consequently, in contrast to the methods and systems recited in claims 1, 7, 20, 26, and 38, the user of Haneda provides information that might alter defaults at the same time as setting the defaults and outside of an image file.

Although the cited portions of Haneda disclose that a user can order additional prints through the user’s disk, this does not alter the conclusion that Haneda fails to teach or suggest the recited methods and systems. When ordering additional prints, the user would utilize an order file to indicate the images desired, the size, trimming, etc. Haneda, col. 22, lines 49-56 and Fig. 18.

Both the order file and the image file may reside on the user's disk. However, Applicant can find no mention in the cited portions of Haneda of the user editing the "tag" information in the image files when ordering additional prints. Instead, the user provides additional information in the order file. Consequently, any additional information, including default-altering information, that is provided by the user of Haneda is not in an image file. The cited portions of Haneda, therefore, neither teach nor suggest the user providing information which alters previously set defaults in the form of tags in an image file and in a communication that is separate from the setting of the defaults. Thus, Haneda neither teaches nor suggests the methods and systems recited in independent claims 1, 7, 20, 26, and 38. Accordingly, Applicant respectfully submits that claims 1, 7, 20, 26, and 38 are allowable over the cited references.

As described previously, the teachings of Kaplan and Morag fail to alter this conclusion. Kaplan describes a system in which multimedia can be viewed and, if desired, purchased by a user. Kaplan, col. 15, lines 40-67. The cited portion of Kaplan makes no mention of providing tags in image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Morag describes a system in which digital images and instructions are provided. Morag, col. 7, line 15-58. Although Morag functions for its intended purpose, Applicant has found no mention in the cited portion of Morag of providing tags in image files, of the tags being used to alter user-set defaults, and of separately setting defaults which the information in the tags change. Consequently, even if the teachings of Kaplan and/or Morag were added to the teachings of Kaplan, the combination would fail to teach or suggest the methods and systems recited in claims 1 and 7 and claims 20 and 26, respectively. Accordingly, Applicant respectfully submits that claims 1, 7, 20, and 26 are allowable over the cited references.

Claims 5-6 and 8-19 depend upon independent claim 1. Claims 24-25 and 27-37 depend upon independent claim 20. Consequently, the arguments herein apply with full force to claims 5-6, 8-19, 24-25 and 27-37. Accordingly, Applicant respectfully submits that claims 5-6, 8-19, 24-25 and 27-37 are allowable over the cited references.

The Examiner rejected claims 2, 3, 21, and 22 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Kaplan.

Applicant respectfully traverses the Examiner's rejection. Claims 2-3 and 21-22 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and Kaplan apply with full force to claims 2-3 and 21-22. Accordingly, Applicant respectfully submits that claims 2-3 and 21-22 are allowable over the cited references.

The Examiner also rejected claims 4 and 23 under 35 U.S.C. § 103 as being unpatentable over Haneda in view of Morag.


Applicant respectfully traverses the Examiner's rejection. Claims 4 and 23 depend upon claims 1 and 20, respectively. Accordingly, the arguments herein with respect to Haneda and Kaplan apply with full force to claims 4 and 23. Accordingly, Applicant respectfully submits that claims 4 and 23 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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